

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited on this, the 17<sup>th</sup> day of February, 2005 with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Mail Stop Missing Parts, P.O. Box 1450, Alexandria, VA 22313-1450.

Karen Buzinski

Typed Name Of Person Signing This Certificate

Karen Buzinski  
Signature Of Karen Buzinski

Customer Number

**24024**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: James R. Jamieson et al. )

Serial No.: 10/789,114 )

Filed: February 26, 2004 )

For: SYSTEM AND METHOD OF )  
IDENTIFYING AN OBJECT IN A )  
LASER BEAM ILLUMINATED SCENE )  
BASED ON MATERIAL TYPES )

Attorney Docket No.: 21220/04179 )

Examiner: Not Yet Assigned

Group Art Unit: 2878

Confirmation No.: 7585

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Dear Sir:

In response to the Notice to File Missing Parts dated January 21, 2005, applicant respectfully submits this Response to Notice to File Missing Parts, fully executed Declaration and Power of Attorney, a Petition regarding Figures 11-13, two (2) sheets of drawings containing Figures 11-13, a copy of the date stamped returned postcard indicating that eleven (11) sheets of drawings were submitted with the original application, a check in the amount of \$260 to cover the \$130 surcharge for Missing Parts and the \$130 Petition filing fee. Also enclosed is a copy of

the Notice to File Missing Parts received from the Patent Office. It is our understanding that the \$130 Petition filing fee may be refunded to our Deposit Account No. 03-0172 if it is found by the U.S. Patent Office that the omitted Figures 11-13 described in the specification were initially received.

If additional fees are required please charge them to our Deposit Account No. 03-0172, Order Number 21220/04179. Please credit any overpayment to same Deposit Account.

Respectfully submitted,

Date:

February 17, 2005

Brian E. Kondas  
Brian E. Kondas, Reg. No. 40,685  
216/622-8308



Deposited with the United States Postal Service with sufficient postage via Express Mail Label No. EL085077484US addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 26th day of February, 2004.

Re: New Utility Patent Application  
Inventor: Jamieson et al.  
For: A System and Method of Identifying an Object in a Laser  
Beam Illuminated Scene Based on Material Types  
Docket No. 21220/04179 (GR203AS071)

Please acknowledge receipt of the following:

- Utility Patent Application Transmittal (1 pg.)
- Fee Transmittal (1 pg.)
- Specification (29 pgs.); Title page
- Drawings (11 pgs.)
- Declaration/POA (unsigned) (4 pgs.)
- Check for \$1202.00
- Return receipt postcard

22859 U.S. PTO  
10/789114



{MBC0342.DOC;1}

RECEIVED

MAR 08 2004

IP. DEPT.

DOCKETED

JUN 24 2004

T.A. IP. Dept.

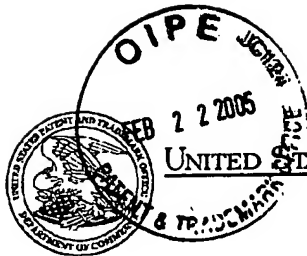


**CALFEE, HALTER & GRISWOLD LLP**

1400 McDonald Investment Center  
800 Superior Avenue  
Cleveland, Ohio 44114-2688

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
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 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/789,114	02/26/2004	James R. Jamieson	21220/04179

CONFIRMATION NO. 7585

24024  
 CALFEE HALTER & GRISWOLD, LLP  
 800 SUPERIOR AVENUE  
 SUITE 1400  
 CLEVELAND, OH 44114

## FORMALITIES LETTER



\*OC000000014997940\*

Date Mailed: 01/21/2005

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

02/24/2005 EFLORES 00000032 030172 10789114 FILED UNDER 37 CFR 1.53(b)  
 01 FC:1051 130.00 OP

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The following item(s) appear to have been omitted from the application:

- Figure(s) 11-13 described in the specification.

DOCKETED

JAN 24 2005

DBO IP DEPT.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing

date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

**SUMMARY OF FEES DUE:**

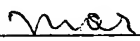
Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE